

Remarks

Election

A restriction requirement under 35 U.S.C. § 121 has been issued in which claims 1-24 were separated into nine different groups. *See*, Paper No. 061305, pages 2-3. In addition, the Examiner has also required election of “single nucleic acid, polypeptide, or antibody.” *See*, Paper No. 061305, page 3.

In order to be fully responsive and to comply with the pending election requirement, Applicants herein elect claims embodying the subject matter currently restricted to Group III (*i.e.*, drawn to the isolated antibodies of claim 13), for further prosecution. Additionally, to comply with the Examiner's request for election of a single polypeptide sequence, Applicants note that the elected claims are drawn to antibodies that bind the polypeptide of SEQ ID NO:35. *See e.g.*, specification at pages 10-13, and Table 1 at page 54. Applicants reserve the right to file one or more continuation or divisional applications directed to non-elected inventions should the restriction requirement be made final. Applicants have herein cancelled claim 13 (drawn to an antibody) and added new claims 25-48 (also drawn to antibodies), thus, corresponding to restriction Group III. No new matter has been added.

Change of Title

Applicants have amended the pending claims in the present application to be drawn to HCE3C63 antibody embodiments (to accommodate the Restriction Requirement mailed June 16, 2005; Paper No. 061305; discussed above). As such, Applicants have also amended the Title of the present application to reflect the claimed antibody embodiments.

Status of Claims

Claims 1-24 are canceled herein without prejudice or disclaimer. Applicants reserve the right to pursue subject matter encompassed by all canceled claims in one or more divisional or continuation applications.

New claims 25-48 have been added to expand the embodiments of the elected subject matter. For the Examiner's convenience, Applicants note that the claims elected

herein are drawn to antibodies that bind polypeptides which correspond to the same polypeptides claimed in issued U.S. Patent No. 6,936,691 (of which the present application claims benefit). Support for new claims 25-48 can be found in the specification and claims as originally filed. For example, support can be found in the specification at: Table 1, page 10 (HCE3C63 polypeptides of SEQ ID NO:35 and ATCC Deposit No. PTA-909); Example 10, paragraphs 773-778 (production of an antibody); page 92, paragraph 187 (human, polyclonal, monoclonal, chimeric, humanized, single chain, Fab fragment antibodies); page 115, paragraph 242 (Western Blot, ELISA); and page 85, paragraph 170 (30 contiguous amino acids and other fragments).

Upon entry of the amendments submitted herein, claims 25-48 will currently be pending. No new matter has been added.

Change of Inventorship

Applicants have amended the claims in the present application to be drawn to HCE3C63 antibody embodiments. In this regard, the undersigned has been informed that the inventive entity of the subject matter encompassed by the elected claims is: D. Roxanne Duan, Steven M. Ruben, and Craig A. Rosen. Accordingly, Applicants request that the present application be amended to show the above three persons as inventors. Thus, please remove the following names from the list of inventors: Michele Fiscella, Ping Wei, David W. LaFleur, Henrik S. Olsen, Kevin P. Baker, Reinhard Ebner, George A. Komatsoulis, Paul E. Young, Kimberly A. Florence, Paul A. Moore, Charles E. Birse, Jian Ni, Daniel R. Soppet, and Yanggu Shi.

Conclusion

Applicants respectfully request that the above-made amendments and remarks be entered and made of record in the present application. The Examiner is invited to call the undersigned at the phone number provided below if any further action by Applicant would expedite the examination of this application.

If there are any fees, not already accounted for, due in connection with the filing of this paper, please charge such fees to our Deposit Account No. 08-3425.

Date:

9/15/05

Respectfully submitted,

By 

Doyle A. Siever, Reg. No. 47,088

Patent Agent

HUMAN GENOME SCIENCES, INC.

Intellectual Property Department

14200 Shady Grove Road

Rockville, Maryland 20850

(301) 354-3932

KKH/DAS/DBS/mr